

Final

Minutes
Virginia Outdoors Foundation
Meeting of the Board of Trustees
June 27, 2002
Rowe's Restaurant, Staunton, Virginia

Trustees present: Mr. Paul G. Ziluca, Chairman, Mr. John William Abel-Smith, Dr. M. Rupert Cutler, Mr. Frank Kilgore, Dr. Charles Rowley and Mr. Charles Seilheimer

Trustees absent: Ms. Jill Holtzman.

VOF staff present: Tamara Vance, Executive Director, Ruth Babylon, Sherry Buttrick, Anna Chisholm, Faye Cooper, Kristin Ford, Leslie Grayson, Estie Thomas and Leslie Trew. Also in attendance were Ray Pickering and Babbette Thorpe from the Piedmont Environmental Council, Michael Kane from the Loudoun County PDR Program, Rachael Morris from the Virginia Farm Bureau, Patti Jackson and Carrie Haggen from the James River Association, Matt Bley from DCR, Mary Joy Scala from VCC, and Joe Lurch and Robert Allen from CBF.

Chairman Ziluca convened the meeting at 10:05 a.m. He appointed Ms. Vance as Secretary of the Meeting and she confirmed there was a quorum present.

Chairman Ziluca announced that Governor Warner had appointed Mr. Frank Kilgore as the new Chairman of the Board of Trustees for VOF effective on 1 July 2002.

Requests for additions to the agenda included: Ms. Ford added the Rogers easement (#36) and Ms. Vance added the request to donate land from Ms. Colony.

Mr. Abel-Smith moved to approve the order of business with the above modifications. The motion was approved unanimously.

Dr. Rowley moved to approve the minutes of the March 2002 Trustees meeting as written. The motion was approved unanimously.

Chairman Ziluca began consideration of the consent agenda

Ms. Buttrick presented the Bauer easement (#1) of 109 acres in Albemarle County.

Ms. Cooper presented the Chapin easement (#2) of 142.7 acres in Frederick County.

Final

Ms. Trew presented the Civil War Preservation Trust easement (#3) of 42.9 acres in Dinwiddie County.

Ms. Trew presented the Civil War Preservation Trust easement (#4) 39.7 acres in Dinwiddie County.

Ms. Grayson presented the Coosaw Corporation easement (#5) of 225 acres in Fauquier County.

Ms. Vance presented the Dubner easement (#6) of 156 acres in Pulaski County.

Ms. Trew presented the Elzay easement (#7) of 275 acres in Nottoway County. Ms. Trew indicated that she had some questions about this easement, which she was unable to clarify with the landowner before the meeting. She requested that the easement be removed from the consent agenda for more discussion.

Ms. Cooper presented the Hanes easement (#8) of 193.5 acres in Botetourt County.

Ms. Buttrick presented the Johnson easement (#9) of 140 acres in Madison County.

Ms. Trew presented the Jones easement (#10) of 275 acres in Sussex County. Mr. Ziluca pointed out a typo and asked that the scenic box on the datasheet be unchecked.

Ms. Grayson presented the Lincoln easement (#11) of 63.69 acres in Loudoun County.

Ms. Cooper presented the Otto easement (#12) 157 acres in Page County.

Ms. Cooper presented the Pope easement (#13) 43.2 acres in Rockbridge County.

Ms. Ford presented the Raines easement (#14) of 50 acres in Rappahannock County.

Ms. Vance presented the Shade easement (# 15) of 133 acres in Bedford County. Mr. Ziluca removed this easement from the consent agenda for further discussion about the stream buffer language.

Ms. Vance presented the Shelor easement (#16) of 52.7 acres in Patrick County.

Ms. Cooper presented the Smith easement (#17) of 207 acres in Botetourt County.

Ms. Ford presented the Tegge easement (#18) of 80.6 acres in Loudoun County. Mr. Ziluca removed this easement from the consent agenda for further discussion.

Mr. Abel-Smith made a motion to accept the consent agenda easements with the indicated modifications including #'s 1,2,3,4,5,6,9,10,11,12,13,14,16 and 17. The motion was approved unanimously.

Final

Ms. Trew returned to the Elzay easement (#7). She indicated a concern for overbuilding on the property if the requested placement and size of the secondary dwellings was approved as written. The Trustees took no action on this easement, but Mr. Cutler directed Ms. Trew to clarify the landowner's wishes and return at a later meeting.

Ms. Ford returned to the Tegge easement (#18). Ms. Ford informed the Trustees that the Town of Round Hill had just contacted the landowners and requested a small portion of their property for the Town's water reservoir. The landowners were as yet unsure of their response to the request, but wished to discuss the subject further. Ms. Ford indicated that the addition of the standard "Salubria" language would allow for the water reservoir if needed. Mr. Cutler made a motion to accept the easement with the addition of the appropriate "Salubria" language. The motion was approved unanimously.

Ms. Grayson presented the staff paper on the subject of riparian buffers and their use in conservation easements. Ms. Patti Jackson commented on the importance of riparian buffers in controlling pollution and VOF's important role in increasing their use. She favored requiring or strongly encouraging buffers because of the various tax credits available to easements donors. Representatives from the Farm Bureau and PEC indicated that their respective organizations strongly encouraged the use of buffers in easements, but cautioned that it might be counter-productive to require them in all cases. Mr. Matt Bley from DCR provided background information on a variety of applicable state and federal programs available to help landowners build or maintain various buffers. Each Trustee individually commented on the hope that VOF would play a key role in encouraging and educating landowners on the use of riparian buffers and expressed confidence that the Trustees in partnership with the staff would be able to encourage landowners to consider stream buffers in easements.

Ms. Vance returned to the Shade easement (#15). Ms. Vance indicated that the landowner was having second thoughts about including a stream buffer in the easement. Based on Ms. Vance's comments concerning the quality of stream involved, Mr. Kilgore made a motion to accept the easement without requiring a stream buffer, but directed Ms. Vance to revisit the subject with the landowner. The motion was approved unanimously.

Ms. Buttrick presented the Bryan easement (#19) of 11.72 acres in Albemarle County. She described this small parcel as an important part of the scenic entrance corridor to the city of Charlottesville and indicated that the city approved of this use of the land. Mr. Cutler made a motion to accept the easement. The motion was approved unanimously.

Ms. Vance presented the proposed operating budget for the fiscal year 2003 and answered questions from the Trustees. Chairman Ziluca recessed the meeting for lunch at 12:45 pm so the Trustees could also study the budget.

Chairman Ziluca reconvened the meeting at 1:12 pm and opened the public input session.

Ms. Susan Cable of the Foothills Land Conservancy commented on the need for more coordination between the various private and public land trusts operating in the state.

Final

She indicated that FLC was cooperating with other groups to produce a statewide strategic plan related to conserving open space and voiced her hope that VOF would continue and broaden its work with other land trusts.

Ms. Grayson presented a progress report on the development of cooperative agreement between VOF and Loudoun County's Purchase of Development Rights program. She introduced Mike Kane director of the program and presented a revised cooperative agreement. Dr. Rowley related his opinion that easement purchase programs are generally inefficient and indicated that he felt the partnership would be complicated and overburden the Foundation. Mr. Seilheimer commented on VOF's role as the largest conservation organization in the state and indicated his opinion that the benefits of involving VOF's experience would far outweigh any other complications. Dr. Cutler mentioned that the opportunity to increase the open space saved in the state was too important to pass up. Mr. Kilgore also commented on the important opportunity to preserve open space and that the public relations benefits of the cooperation with the various counties and localities would be beneficial to the Foundation. Mr. Ziluca indicated that he felt that VOF would benefit by cooperating with the localities to shift some of the increasing workload from the Foundation staff to the various PDR program staff. Dr. Cutler made a motion to approve the presented agreement with some minor changes as discussed and subject to the approval of Mr. Fred Fisher. Mr. Abel-Smith and Dr. Rowley voted against the motion. The motion carried with four votes.

Ms. Trew presented the Celebrate Virginia easement (#20) of 133 acres in the City of Fredericksburg. Mr. Ziluca made a motion to accept the easement with the following change, add, "non-motorized" to the eighth sentence on page 3 of the easement, before the word "biking." The motion was approved unanimously. Ms. Trew presented the proposed cooperative agreement with the City of Fredericksburg and introduced Mr. Jim Petes, city attorney, Mr. Chris Hornung, a representative of Celebrate Virginia, and Mr. John Tippet, Ex. Dir. of Friends of Rappahannock River. After some discussion, Mr. Ziluca requested that Ms. Trew continue to work on the agreement with assistance from Fred Fisher and return with it to a later meeting. No action was taken on the agreement at this time.

Ms. Thomas presented the Chesapeake Bay Foundation easement (#21) of 74 acres in Northumberland County. Mr. Kilgore made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Doubletop Farm LLC easement (#22) of 694 acres in Madison County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the Doubletop Farm LLC easement (#23) of 76 acres in Madison County. Dr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Final

Ms. Thomas presented the Jones easement (#24) of 24.9 acres in Gloucester County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Buttrick presented the McCarthy easement (#25) of 105 acres in Madison County. Dr. Cutler made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Ford presented the Rogers easement (#26) of 246 acres in Loudoun County. Mr. Abel-Smith made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Ryan easement (#27) of 83 acres in Rappahannock County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Turner easement (#28) of 18.8 acres in Fauquier County. Mr. Abel-Smith made a motion to accept the easement as presented. The motion was approved unanimously.

LOUDOUN COUNTY PDR PROPOSALS

The following easements are to be co-held with the Board of Supervisors of Loudoun County, Virginia.

Ms. Grayson presented the Morison easement (#29) of 165 acres in Loudoun County. Mr. Seilheimer made a motion to accept the easement with the changes as highlighted and presented by Ms. Grayson in the draft dated “6/25/02.” The motion was approved unanimously.

Ms. Grayson presented the Warren easement (#30) of 283 acres in Loudoun County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Whitner easement (#31) of 384 acres in Loudoun County. Mr. Abel-Smith made a motion to accept the easement as presented. The motion was approved unanimously.

Ms. Grayson presented the Adams easement (#32) of 254 acres in Loudoun County. Mr. Seilheimer made a motion to accept the easement as presented. The motion was approved unanimously.

OPEN SPACE LANDS PRESERVATION TRUST FUND

Ms. Buttrick presented the Glen Cove Farm, Inc. easement (#33) of 113 acres in Orange County. Mr. Seilheimer made a motion to accept the easement as presented. The motion

Final

was approved unanimously. Ms. Buttrick went on to present the PTF portion of this easement proposal with a funding request for \$2800. Mr. Kilgore made a motion to approve funding at the full request of \$2800. The motion was approved unanimously.

REVISED EASEMENT TERMS

Ms. Cooper presented a request from the Ingrams to increase their PTF award by \$1200. The Ingrams easement (# 23 March), was accepted at the March 2002 Trustee Meeting and approved for funding in the amount of \$5500. The lawyer handling the easement discovered outstanding mineral rights attached to the property and estimates that the additional costs to extinguish the rights would be \$1200. Mr. Kilgore made a motion to approve additional funding at the full request of \$1200. The motion was approved unanimously.

Ms. Cooper presented a request from the Ohrstroms to change the number of parcels and dwellings permitted in the easement. This easement was accepted at the July 2001 Trustee Meeting. Mr. Kilgore made a motion to approve the change in easement terms to allow 19 parcels (14 of which are small and pre-designated by the donor), 16 single-family dwellings and 20 secondary dwellings. The motion was approved unanimously.

Ms. Trew presented a request to extend the “sunset” clause for the Seligson easement. This easement was accepted at the December 1999 Trustee meeting and has not yet been recorded. An extension of six months was approved at the December 2001 Trustee meeting. At this time, the landowner and lawyer have requested an additional extension to December 2003. Mr. Kilgore made a motion to extend the clause for another 18 months. The motion was approved unanimously.

Ms. Ford presented the Rogers easement (#36) of 246 acres in Loudoun County.

Ms. Vance asked the Trustees if they were ready to vote on the proposed budget for FY2003. She requested the Trustees to approve Scenario A for the VOF operating budget and for the Aldie Mill Project budget. Dr. Rowley made a motion to approve the budgets as requested. The motion was approved unanimously.

INFORMATION ITEMS:

BULL RUN MOUNTAINS STATE NATURAL AREA PRESERVE

Ms. Grayson gave an update on the status of the partition suit concerning the disputed ownership of several properties in the Bull Run Mountains and distributed a memo from Fred Fisher outlining the progress made to date in the case.

ALDIE MILL PROJECT

Ms. Vance briefly updated the Trustees on the ongoing restoration work at the Mill. Mr. Ziluca presented a proposed resolution addressing a trespassing problem with Mr. Ned

Final

Douglas. A copy of the resolution is attached to these minutes. Mr. Ziluca made a motion to approve the resolution as presented. The motion was approved unanimously.

PROPOSED SPECIAL PROJECT AREA DESIGNATION FOR THE EASTERN SHORE

Ms. Trew presented details related to a proposed “Special Project Area Designation” for the Eastern Shore area. The proposal outlines certain special features that could be added to the standard template guidelines to provide further protection for unique attributes of the area. The Chairman requested the staff to provide additional information on the topic and to bring proposal up for consideration at the September Planning Meeting.

EXECUTIVE DIRECTORS REPORT

Ms. Vance presents a proposed donation of land from Mrs. Colony in Pulaski County. The property includes 20 acres and no buildings. Mr. Kilgore made a motion to accept the donation contingent upon an informal appraisal valuing the land at more than \$15,000. Mr. Ziluca voted against the motion. The motion carried with 5 votes.

Dr. Rowley left the meeting at 4:45 pm and Ms. Vance confirmed the quorum without his presence.

Ms. Vance went on to present the most recent audit completed by the state Auditor of Public Accounts. She discussed the two audit findings and indicated that VOF had cooperated with the auditor to implement acceptable remedies.

A Strategic Plan meeting was scheduled for September 20, 2002 and the next Trustee Meeting was scheduled for Oct 1st and 2nd, 2002.

Chairman Ziluca adjourned the meeting at 5:10 pm.

Respectfully submitted,

Anna Chisholm